

Region 8 Executive Order 13650 Workgroup

U.S. Department of Labor/OSHA • U.S. Department of Homeland Security • U.S. Environmental Protection Agency

Standard Operating Procedure: State, Local, and Tribal Engagement

- **Purpose:** This SOP establishes the procedures for federal partners to engage with State, local, and tribal stakeholders in EO 13650 activities.
- **Scope:** This SOP applies to the U.S. Environmental Protection Agency (EPA), U.S. Department of Labor Occupational Safety and Health Administration (OSHA), U.S. Department of Homeland Security (DHS) Critical Infrastructure Program, and other federal agencies who have activities covered by EO 13650. Region 8 includes Colorado, Montana, Utah, Wyoming, North Dakota, and South Dakota and 27 Tribal nations.
- **Prerequisites:** None.
- **Responsibilities:** The Region 8 Executive Order 13650 (EO) Workgroup, comprised of EPA, OSHA, and DHS, is responsible for developing and implementing SOPs which will increase chemical hazard prevention and preparedness at the federal, State, tribal, and local levels. This responsibility is the result of the Presidential Executive Order 13650 on Chemical Facility Safety and Security, as well as the report to the White House developed by the National Chemical Facility Safety and Security Working Group. The report committed “each Regional Response Team (RRT) develop SOPs tailored to their respective regions,” based on the templates developed by the Region 2 Working Group.

The Workgroup is responsible for engaging with States, Tribes, and local entities to ensure the goals of EO 13650 are achieved.

- **Procedures:** The Workgroup adopts the following procedures to ensure State, local, and tribal engagement in EO 13650 efforts.
 1. The EPA Region 8 Co-chair of the Region 8 Regional Response Team (RRT) will ensure proper representation of States and Tribes at RRT meetings, which occur semi-annually. RRT meetings will also include an update on EO 13650 activities and an opportunity for questions and suggestions.
 2. EPA, OSHA, and DHS will attend State Emergency Response Commission (SERC) meetings as they are able and coordinate with SERCs to provide training, resources,

presentations, or other guidance/materials as requested.

3. EPA, OSHA, and DHS will offer and provide training and assistance as requested for Local Emergency Planning Commissions (LEPC) throughout Region 8 through webinars, meetings, and conferences. The types of training offered would include Computer-Aided Management of Emergency Operations software, The Emergency Response Application (TERA) mapping tool, OSHA compliance, reporting requirements, referral processes, Chemical Facility Anti-Terrorism Standards (CFATs) 101, Terrorism 101, unique safety issues (e.g. tank gauging), Tier II Submit, Risk Management Plan (RMP) Submit, 40/8 Hour HAZWOPER, H2S Safety & Awareness, Radiation Safety & Awareness, etc.
4. EPA, OSHA, and DHS will hold annual calls with the Region 8 States to gauge progress and determine additional needs for continued EO 13650 activities.
5. EPA will present at Tribal Regional Operations Committee meetings to provide information on EO 13650 activities and updates.
6. State, Local, and Tribal engagement can also be enhanced through planning and coordination of joint drills and exercises:

EPA

- a) EPA conducts and participates in federal, State, tribal and local exercises. Other federal, State, tribal and local government agencies have been invited depending on the scope and nature of the exercise. Most of these exercises are responses to hazardous materials spills or releases. EPA plans to invite DHS and OSHA to future exercises based on the regulatory nature of the event and on the work of the Workgroup.
- b) EPA plans to share the results of their exercises at Workgroup meetings or sooner if necessary.

OSHA

- a) OSHA does not coordinate drills or exercises that are under the scope of the Executive Order. OSHA will participate in drills and exercises to provide worker safety and health expertise when invited. OSHA does require employers covered under Process Safety Management (PSM) standard to develop an emergency action plan which must include procedures for handling small releases. Employers may also be subject to the hazardous waste and emergency response provisions contained in 29 CFR 1910.120 (a), (p) and (q).
- b) OSHA would like to see after action reports of any exercises conducted by other

agencies or facilities.

DHS

- a) DHS does not conduct drills or exercises. They require CFATS covered facilities to conduct their own exercises and tailor the exercise to their specific facility security risk management program. DHS provides guidance for what type of drills would be appropriate for their respective security risk. There is no mandate for the facility to invite DHS to observe the exercise but DHS does occasionally get invited to observe. EPA and OSHA have not previously been invited to observe but DHS will begin encouraging the facilities to extend an invitation to them.
- b) Invitations to exercises will be coordinated through the Workgroup representative from the respective facility official and/or DHS CFATS inspector.
- c) Results of drills and exercises should be shared with other Workgroup representatives. There is not a requirement for CFATS covered facilities to share exercise reports. However, if a facility shares a report, DHS will share with other Workgroup representatives if the facility has no objection.
- d) If a facility does not know exactly who to invite to an exercise, Workgroup representatives should provide assistance to ensure the exercise has proper attendees such as State, county, city and other federal officials.

6. References:

- a) Executive Order 13650: Actions to Improve Chemical Facility Safety and Security – A Shared Commitment: Report for the President, May, 2014.
- b) Executive Order 13650: Improving Chemical Facility Safety and Security, August 1, 2013
- c) Appendix A List of Chemicals to 6 CFR Part 27, November 20, 2007

7. Definitions:

Chemical Facility Anti-Terrorism Standards (CFATS): The U.S. Department of Homeland Security implements a rule that imposes comprehensive federal security regulations for high-risk chemical facilities. This rule establishes risk-based performance standards for the security of our nation's chemical facilities. It requires covered chemical facilities to prepare Security Vulnerability Assessments, which identify facility security vulnerabilities, and to develop and implement Site Security Plans, which include measures that satisfy the identified risk-based performance standards. It also allows certain covered chemical facilities, in specified circumstances, to submit Alternate Security Programs in lieu of a Security Vulnerability Assessment, Site Security Plan, or both.

Hazardous waste operations and emergency response (HAZWOPER): Hazwoper is addressed in 29 CFR 1910.120, and applies to a variety of hazardous waste operations, and also to emergency response operations for releases of, or substantial threats of releases of, hazardous substance without regard to the location of the hazard.

Process Safety Management (PSM): PSM is addressed in 29 CFR 1910.119, and is enforced by OSHA for employers who maintain certain chemicals over a threshold quantity or who maintain more than 10,000 pounds of any Category 1 flammable gas. The listing of chemicals is found in Appendix A of this standard. PSM has requirements that include employee participation, process safety information, process hazard analysis, operating procedures, safety and health considerations, employer responsibilities, training, employer responsibilities, inspection and testing, mechanical integrity, management of change, compliance audits and emergency planning and response. PSM requirements are closely aligned with EPA's RMP which is described below.

Regional Response Teams (RRTs): There are 13 Regional Response Teams (RRTs), one for each of the ten federal regions, plus one for Alaska, one for the Caribbean, and one for the Pacific Basin. Each RRT maintains a Regional Contingency Plan (RCP) and has State, tribal, and federal government representation. EPA and the Coast Guard co-chair the RRTs. Like the National Response Team (NRT), the standing RRTs are planning, policy and coordinating bodies and do not respond directly to the scene of a removal or emergency response. The RRT provides assistance as requested by the On-Scene Coordinator during an incident.

Risk Management Plan (RMP): The Risk Management Plan (RMP) Rule implements Section 112(r) of the 1990 Clean Air Act amendments. RMP requires facilities that use extremely hazardous substances to develop a Risk Management Plan. These plans must be revised and resubmitted to EPA every five years. Section 112(r) of the Clean Air Act Amendments requires EPA to publish regulations and guidance for chemical accident prevention at facilities that use extremely hazardous substances. These regulations and guidance are contained in the RMP rule. The information required from facilities under RMP helps local fire, police, and emergency response personnel prepare for and respond to chemical emergencies. Making RMPs available to the public also fosters communication and awareness to improve accident prevention and emergency response practices at the local level. The RMP rule was built upon existing industry codes and standards. It requires companies that use certain flammable and toxic substance to develop a Risk Management Program.

Completed:

U.S. Environmental Protection Agency Region 8

U.S. Department of Homeland Security Region 8

U.S. Department of Labor/OSHA Region 8